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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,260	01/13/2005	Adrian W. Payne	GB 020115	9017
24737	7590	07/06/2007	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			PERILLA, JASON M	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2611	
MAIL DATE		DELIVERY MODE		
07/06/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/521,260	PAYNE ET AL.
	Examiner	Art Unit
	Jason M. Perilla	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 June 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 and 11-13 is/are rejected.
- 7) Claim(s) 7-10 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 January 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. Claims 1-13 are pending in the instant application.

### *Drawings*

2. The drawings are objected to because many functional blocks contain no text labels. For instance, in figure 1, blocks 14, 42, 44, 52, and 48 require text labels and, in figure 2, blocks 14, 78, 28, 74 and 76 require text labels consistent with the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3, 6, 7, and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Turner (U.S. Pat. No. 5561687 – previously cited) in view of Wang et al (U.S. Pat. No. 5459762; hereafter “Wang”), and in further view of Horvat et al (U.S. Pat. No. 6914946; hereafter “Horvat” – previously cited).

Regarding claim 1, Turner discloses a method of determining the values of data bits from a digitally modulated signal (abstract; figure 3), comprising over-sampling raw data (col. 5, lines 8-12) recovered from the demodulated signal (fig. 3, “INPUT: SIGNAL + NOISE”), delaying samples of the raw data (fig. 3, ref. 12), combining selected delayed samples of the raw data (fig. 3, ref. 14) to form a sample to be bit sliced (fig. 3, output of summer 14), bit slicing the samples (fig. 3, ref. 18) to be sliced to produce a bit stream signal (fig. 3, ref. 17), and delaying the bit stream signal (fig. 3, ref. 21). Turner discloses the receipt of digital data (col. 1, lines 10-20) but does not explicitly disclose the type of digitally modulated signal which is to be received by the receiver illustrated in figure 3 and does not disclose that it is a frequency shift keyed signal (FSK). However, the receipt of FSK signals is notoriously known in the art as referenced by Wang. Wang discloses a strictly analogous slicer/receiver which receives FSK modulated signals (col. 1, lines 10-20). Therefore, it would have been obvious to one having ordinary skill in the art that the receiver of Turner could be tailored to receive signals being modulated via,

among others, the FSK modulation technique because as suggested and referenced by Wang because it is a well known and exemplary method of modulating digital data.

Further regarding claim 1, Turner does not disclose using the bit stream signal to recover a clock signal, and using the recovered clock signal to sample the delayed bit stream signal at the data rate to produce detected bits. However, the use of a received signal to recover a clock signal is well known in the art as taught by Horvat. Horvat discloses a clock recovery circuit (fig. 7, ref. 507) which recovers a clock frequency of a sliced (fig. 7, ref. 506) signal and uses the recovered clock to sample (fig. 7, ref. 508) a bit stream. In the combination of Turner in view of Horvat, the recovery of the clock signal and sampling of the bit stream could be arbitrarily performed either before or after the delay of the bit stream with identical results as understood by one having ordinary skill in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time which the invention was made that the recovered bit stream (either before or after the delay) of Turner could be utilized to recover a clock signal associated with the bit stream and sample the bit stream (either before or after the delay) to produce detected bits as taught by Horvat because the recovery of a clock signal is advantageous to sample the received bit stream at the appropriate moment for the correct receipt of data.

Regarding claim 2, Turner in view of Wang, and in further view of Horvat disclose the limitations of claim 1 as applied above. Turner in view of Wang, and in further view of Horvat disclose combining samples of delayed raw data over several bit periods (fig. 7, ref. 12) because the delay of Turner contains oversampled data associated with a

plurality of bits (col. 5, liens 8-15). Furthermore, all of the samples are combined as illustrated in figure 7. Therefore, Turner discloses, at least, combining samples occurring after a delays of substantially half a bit period and one and a half bit periods.

Regarding claim 3, Turner in view of Wang, and in further view of Horvat disclose the limitations of claim 1 as applied above. Further, Turner discloses multiplying (fig. 7, ref. 113) raw data before combining it and the claimed particular combination of samples as applied to claim 2 above.

Regarding claim 6, Turner in view of Wang, and in further view of Horvat disclose the limitations of the claim as applied to claim 1 above.

Regarding claim 7, Turner in view of Wang, and in further view of Horvat disclose the limitations of claim 6 as applied above. The delay means of Turner comprises a shift register (fig. 7, ref. 112). Further, it is obvious and implied that the number of stages in the delay line of Turner (fig. 7, ref. 112) would correspond to the over-sampling ratio of the received signal because there would be no purpose to over-sampling the received signal if it were not able to be stored in the delay line for combining by the combining means (fig. 7, ref. 114). Therefore, the delay means comprises a shift register having stages which "correspond" to the over-sampling ratio. Finally, all of the stages of the shift register are applied to the combining means as illustrated.

Regarding claim 11, Turner in view of Wang, and in further view of Horvat disclose the limitations of claim 6 as applied above. Turner in view of Wang, and in further view of Horvat do not explicitly disclose that the second delay means comprises

first and second delay stages, each having a delay of substantially one bit period, in that the bit slicing means has means for storing a plurality of threshold values, and means for selecting a threshold value for comparison with the currently held samples to be sliced in dependence on the bit values at outputs of the first and second delay stages. However, Wang teaches a delay means (fig. 6, refs. 630, 640) comprising first (630) and second (640) delay stages, each having a delay of substantially one bit period (T), in that the bit slicing means has means for storing a plurality of threshold values (fig. 6, ref. 650), and means for selecting (fig. 6, ref. 650) a threshold value for comparison (fig. 6, ref. 620) with the currently held samples to be sliced in dependence on the bit values at outputs of the first and second delay stages (fig. 7). Wang teaches an exemplary adaptive threshold slicing receiver wherein the threshold for slicing may be updated by the last sliced data values. Therefore, it would have been obvious to one having ordinary skill in the art at the time which the invention was made that an adaptive threshold for slicing could be utilized to account for the changing levels of the received signal as taught by Wang in the method of Turner in view of Wang, and in further view of Horvat because it would assist in the determination of correct symbol decisions.

5. Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Turner in view of Wang, in further view of Horvat, and in further view of Wagner (U.S. Pat. No. 4291286 – previously cited).

Regarding claim 4, Turner in view of Wang, and in further view of Horvat disclose the limitations of claim 3 as applied above. Turner in view of Wang, and in further view of Horvat do not explicitly disclose that the gain factor(s) (col. 9, lines 35-45) have a

gain value of substantially unity. However, the chosen value of a gain factor in an equalizer, integrator, or digital filter is well understood in the art to be function of the design requirements of the system. The use of a gain factor of substantially unity is specifically well known in the art because only slight modifications are typically desired and such is disclosed by Wagner (col. 9, line 30; "each tap weight is unity"). Therefore, it would have been obvious to one having ordinary skill in the art at the time which the invention was made that using a gain factor of substantially unity in the method of Turner in view of Wang, and in further view of Horvat would be desired depending upon the characteristics of the system and as suggested Wagner because, as understood by one having ordinary skill in the art, only slight modifications to the raw data are desirable.

Regarding claims 12 and 13, Turner in view of Wang, and in further view of Horvat disclose the limitations of claim 3 as applied above. Further, Turner in view of Wang, in further view of Horvat, and in further view of Wagner disclose the remaining limitations of the claims as applied in claim 4 above.

6. Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Turner in view of Wang, in further view of Horvat, and in further view of Cheng et al (U.S. Pat. No. 5400368; hereafter "Cheng" – previously cited).

Regarding claim 5, Turner in view of Wang, and in further view of Horvat disclose the limitations of claim 1 as applied above. Turner in view of Wang, and in further view of Horvat do not disclose normalizing the sample to be sliced prior to bit slicing. However, Cheng teaches normalizing received and digitized samples (fig. 7, ref. 96; col.

6, lines 45-55). Normalizing a received digitized signals is advantageous because it accounts for wide variations in the amplitude of a received signal. Therefore, it would have been obvious to one having ordinary skill in the art at the time which the invention was made to normalize a received and digitized signal as taught by Cheng in the method of Turner in view of Wang, and in further view of Horvat because it compensates for variations in amplitude which produce demodulation errors.

***Allowable Subject Matter***

7. Claims 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Perilla whose telephone number is (571) 272-3055. The examiner can normally be reached on M-F 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason M. Perilla  
June 28, 2007

jmp



CHIEH M. FAN  
SUPERVISORY PATENT EXAMINER